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Environment Secretary Denies Permit for Proposed Unlined Clayton Landfill

(Santa Fe, NM) –New Mexico Environment Department (NMED) Secretary Ron Curry today denied a solid waste facility permit to the Town of Clayton for their proposed municipal waste landfill. The town was seeking a permit to construct a small, unlined landfill using the “small arid landfill exemption” in state solid waste regulations. The landfill was to be located 4.5 miles southeast of Clayton in Union County.

State regulations only allow landfills to be sited where the depth to ground water is more than 120 feet. A well drilled at the site of the proposed landfill hit ground water in the Ogallala Formation at a depth of 90 feet. The Ogallala is a major source of ground water supplies for eight states: New Mexico, Texas, Oklahoma, Colorado, Kansas, Wyoming, South Dakota and Nebraska.

“Our water quality is too important right now to chance it on an unlined landfill near shallow groundwater,” said Secretary Curry. “This is especially true when that landfill could impact our country’s largest aquifer. As with my recent Wagon Mound ruling, NMED is continuing to more closely follow state solid waste regulations and be more aggressive in their enforcement.”

A hearing on this permit was held in Clayton on February 26, April 3 and November 14, 2003. At this hearing evidence and witnesses were presented to argue both for and against the permit. During this hearing process, the town asserted that the water discovered in this well was not “ground water” and therefore should not prevent a landfill from being sited at that location. State regulations define ground water as “water which is capable of entering a well in sufficient amounts to be utilized as a water supply.” This well produced 57.6 gallons of water a day.

“Some families in New Mexico live on less than 60 gallons of water a day,” said Secretary Curry. “This resource needs and deserves to be protected.”

The Town has 30 days to appeal this decision to the State Court of Appeals. Clayton also has the option of locating another landfill site with at least 120 feet to ground water and reapplying.

For further information, please contact Jon Goldstein, NMED Communication Director at (505) 827-0314.